

St. Clair Co. *Jim R.*  
E. St. Louis / A.C.F. Industries *Reg*  
16364529 File 155

JAN 26 1982  
F.L. Braun, Director  
Car Maintenance  
ACF Industries - Shippers Car  
Line Division  
620 North Second Street  
St. Charles, Missouri 63301

EPA Region 5 Records Ctr.



355972

5EWHME

Re: ACF Industries - Shippers Car  
Line Division  
East St. Louis, Illinois ILD006273809

Dear Mr. Braun:

Thank you for your letter dated December 23, 1981, to Ms. Sandra S. Gardebring, in response to our Notice of Violation (NOV) issued to the referenced company on December 10, 1981.

Based on the information contained in your letter that the waste material contained in the thirteen (13) drums has a flash point above 200 F with a 92% moisture content, we agree that these drums do not contain hazardous waste. We commend your efforts in proceeding to ship the thirteen (13) drums no later than January 15, 1982, to Chemical Waste Management's landfill in Joliet, Illinois. We also commend your efforts in actions taken regarding the four items outlined on page 2 of your letter. Since the waste materials are not hazardous, we have closed out our NOV.

You indicated on page 2 of your letter that with the current reduced work force at the referenced location, this facility will certainly qualify as no more than a small quantity generator and thus will probably seek to withdraw its declaration as a generator altogether. Therefore, if you comply with the requirements of 40 CFR 261.5, you will be exempt from the other regulations under 40 CFR Parts 262 through 265 and Parts 122 and 124 and the notification requirements of Section 3010 of the Resource Conservation and Recovery Act (RCRA). Should you wish to withdraw your RCRA notification, please address such documentation to Regional Administrator, U.S. Environmental Protection Agency, RCRA Activities, Region V, P.O. Box A3587, Chicago, Illinois 60690.

If you have any questions, please contact Ms. Mariann Baumgartner at (312) 353-2114.

Very truly yours,

Arnold E. Leder, Chief  
Compliance Section  
Water & Hazardous Materials  
Enforcement Branch

cc: ✓ William Child, Manager, FOS w/Company's 12-23-81 Letter  
Land/Noise Pollution Control Division  
Illinois Environmental Protection Agency

Linda Black  
Senior Environmental Chemist  
ACF Industries  
St. Charles, Missouri

Richard Hyink, Plant Manager  
ACF Industries  
East St. Louis, Illinois



# ACF INDUSTRIES

INCORPORATED

## SHIPPERS CAR LINE DIVISION

620 NORTH SECOND STREET, ST. CHARLES, MISSOURI 63301 • (314) 723-9600

December 23, 1981

Ms. Sandra S. Gardebring  
United States Environmental Protection Agency  
Region V  
230 South Dearborn Street  
Chicago, IL 60604  
Attn: SEWHME

Dear Ms. Gardebring:

RE: ACF Industries - Shippers Car Line Division  
East St. Louis, Illinois ILD006273809  
Letter Received December 14, 1981

In response to your Notice of Violation, it is ACF Industries, Shippers Car Line Division's intention to ship the subject waste (thirteen drums) off site by January 15, 1982. It has never been our intention to store hazardous wastes on site. We began pursuit of disposal permits for this material with the State of Illinois on May 19, 1981, for disposal at Chemical Waste Management in Joliet, Illinois. Indeed, a Missouri site was also pursued, but was not feasible due to the liquid content of the waste. We received disposal approval on October 30, 1981, at the same time our plant was undergoing massive personnel cutbacks, including the sudden loss on November 2 of our Wastewater Treatment Supervisor, who had overseen the temporary management of drummed wastes. As a consequence, there was a considerable amount of confusion regarding this disposal approval and it has just recently been clarified.

It should be noted that in our initial full-scale analysis (March 10, 1981), this waste failed only the ignitability test. Discussions recently with Chemical Waste Management personnel disclosed that their laboratory analysis of the subject material registered a flash point of 152°F with a ninety-two percent moisture content; this analysis was forwarded in their request for disposal approval to the Illinois Environmental Protection Agency (September 11, 1981). This flash point would classify our waste as non-hazardous. Since the waste tends to be stratified in each drum, we suspected poor sampling technique as a source of the flash point discrepancy. On December 21, 1981, representatives of Laclede Gas Laboratories of St. Louis professionally sampled a statistical representation of the thirteen (13) drums in question and tested the resultant composite. Their results (attached) prove the true flash point to be greater than 200°F with a ninety-two percent moisture content, and thus the drums referenced in your December 10 letter do not contain hazardous waste.

In the best interest of sustaining our environmental good faith, however, ACF Industries, Shippers Car Line Division has determined to proceed with the projected disposal at Chemical Waste Management's secure landfill in Joliet, Illinois, despite the noted analytical results, which waive the need for such controlled disposal or concern for timeliness. Now that we have a complete history of this waste stream, we will ship the thirteen (13) drums no later than January 15, 1982.

Regarding the other items of concern:

1. Those wastes which did not have dates of accumulation on the containers resulted from cleanup of the plant site, and the original date of drumming was not known. Analytical tests were required to determine if this waste was hazardous or not. The subject containers did not have a date of accumulation on the day of inspection, June 26, 1981, due to the oversight of an inexperienced Wastewater Treatment Supervisor. On the job only one (1) month before RCRA was finalized, this Supervisor failed to heed formal Shippers Car Line solid waste procedures, implemented November 25, 1980, which specify inclusion of the accumulation date on hazard waste labels, if a waste is indeed hazardous. These procedures are now most strictly enforced by plant personnel. Once our initial lab report was received in March, the subject labels, including the date of analysis, should have been applied to all thirteen (13) drums; instead, labels without any dates were applied. As it now results, those drums did not require such labels because the waste was, in fact, not hazardous at all.
2. By January 8, 1982, our personnel training records will include job titles, job descriptions, and description of training. Past records of training will be included as well as a sign-off sheet for all training done henceforth. Shippers Car Line policy requires all new employees to receive appropriate training as well as a follow-up review at least once yearly, both of which will be documented. Previously much of this documentation existed but was kept only at our Headquarters office in St. Charles, Missouri.
3. The Contingency Plan was updated on November 19, 1981, to include the location, physical description and capabilities of all emergency equipment.
4. Copies of the Contingency Plan were mailed to the local police, fire department, hospital and ambulance agencies on December 2, 1981.

Since July 31, the operation of the East St. Louis plant has been drastically reduced. A reduction in work force from seventy-eight (78) to five (5) hourly employees has taken place. As mentioned in Mr. Perry Mann's RCRA Inspection Report of June 26, 1981, the East St. Louis facility's average monthly hazardous waste generation rate, under normal operating conditions, was less than the EPA-stipulated 1,000 kilogram limit for small quantity generators in the year 1981. With the current reduced work force, this facility will certainly qualify as no more than a small quantity generator and thus will probably seek to withdraw its declaration as a generator altogether. This was only done in the first place to avoid any misunderstandings that might lead to citation due to perceived excursions from the regulations and was to this end seemingly ineffectual. Should we choose to change our operations in this manner, you may be assured that we will notify Region V of our intentions.

Ms. Sandra S. Gardebring  
December 23, 1981  
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If you have any questions regarding this matter, please contact L. L. Black at  
(314) 723-9600, extension 668.

Sincerely,

A handwritten signature in cursive script, reading "F. L. Braun". The signature is written in dark ink and is positioned above the printed name and title.

F. L. Braun  
Director - Car Maintenance

FLB/sas/E4a

Attachment

cc: Mr. Perry C. Mann, FOS  
Land/Noise Pollution Control Division  
Illinois Environmental Protection Agency  
113 West Main Street  
Collinsville, IL 62234

# LACLEDE GAS COMPANY

## Laboratory Division

4118 SHIREWSBURY  
ST. LOUIS, MISSOURI 63119  
(314) 644-6577

Dec. 23, 1981

Shippers Car Line  
ACF  
Attn: Ms. Linda Black  
Main and Clark Streets  
St. Charles, MO. 63301

Dear Ms. Black:

On December 21, 1981, a sample of material was taken from your firm's facility at 100 N. Trendly Ave. in East St. Louis, IL.

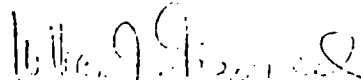
This sample was examined for ignitability and % water.

The results are as follows:

Flash point	-	above 200°F
% Water	-	92

If there are any questions, please feel free to call.

Sincerely,



William T. Fitzgerald

WTF:eb